

REMARKS

Claims 1-3, 5-6, 8-11 and 14-18 are pending in this application. Claims 1-3, 5-6, 8-11, 14, and 16-18 have been rejected. Claim 15 is currently withdrawn from consideration. By way of this paper, Claim 1 has been amended.

Claim Rejections – 35 U.S.C. § 112

Claims 1-3, 5-6, 8-11, 14 and 16-18 are rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that curing the topcoat “at a temperature of 275°C or more” is not described in the specification, as the specification includes the statement of curing “up to a temperature of about 275°C or more”. While Applicants continue to believe that the claim as previously presented is adequately enabled for the reasons set forth in the previous response, claim 1 has been amended to delete such temperature recitation to moot such issue and advance this application to issuance. As the claim amendment merely reinstates the original claim language with respect to curing of the topcoat (which language was not rejected under 35 USC 112), no new issues are raised that would require further search and consideration. Entry of such amendment after final, and allowance of the claims, is accordingly respectfully requested. Alternatively, entry of this amendment is respectfully requested to minimize any remaining issues for appeal, and thus place the application in better form for appeal.

Claim Rejections – 35 U.S.C. § 103

The Examiner has maintained the various rejections of claims 1-3, 5-6, 8-11, 14 and 16-18 under 35 USC § 103(a) for the reasons set forth in paragraphs 6-11 of the Office Action mailed 10/15/2007. All of such stated rejections are based on “Applicants’ admitted prior art”, with the examiner referencing page 5, lines 1-15 and claim 19 as originally filed, and stating that such “Jepson” claim format constitutes an implied admission that the subject matter of the preamble is the prior work of another (citing *In re Fout*), in view of various cited references. While it is initially pointed out that Applicants’ specification does not credit another as the inventor of the subject matter of the preamble as was apparently the case in *In re Fout*, Applicants have in any event submitted a Declaration under 27 CFR 132 by two coinventors of the present application establishing that the

referenced alleged “admitted prior art” refers to Declarants’ own work, and thus is not the work of another. Accordingly, any “implied” admission of prior art has been overcome, and such alleged “admitted prior art” cannot be used to form the basis of any proper obviousness rejection. As the Examiner has continued to rely on such alleged “admitted” prior art in all stated grounds of rejection under 35 USC § 103(a), all such rejections are clearly improper and should be removed.

The Examiner states that the fact that the preamble of the Jepson format claim of original claim 19 is Declarants’ own work is insufficient to overcome the rejection of the claims based on the cited prior art because the limitations of the preamble were well known in the art, as evidenced by the Hartley et al and Chen et al references, as explained in the paragraph 7 of the Office action mailed 10/10/2006. Such statement, however, is inconsistent with the stated grounds of rejection actually set forth in the Final Rejection, as such “admitted” prior art is still relied upon in all stated grounds of rejection. Further all stated grounds of rejection do not rely on Hartley et al and Chen et al., and such statement by the Examiner is thus not clear as to the status of all the rejections. Additionally, such Hartley et al and Chen et al references in any event do not disclose all limitations of the preamble of original claim 19 (e.g., there is no disclosure in such references of a method of producing a replaceable fuser member adapted to be positioned on a machine mandrel in a fuser system, wherein a sleeve is mounted on a mandrel configured to receive the sleeve over the outside of the mandrel).

Accordingly, it is respectfully submitted that to the extent all stated grounds of rejection under 35 USC 103 continue to rely on alleged “admitted” prior art, such rejections are clearly improper and should be removed. To the extent the Examiner is now relying upon some proposed new basis for rejection (which has not been articulated in the actually stated grounds of rejection) where Hartley et al and Chen et al references are now alleged as teaching all features of the previously alleged “admitted prior art”, such reliance is clearly in error as explained above. Removal of such rejections and allowance of all claims is accordingly respectfully urged. Alternatively, a new Office action should be issued, wherein the Examiner sets forth any alleged grounds of rejection without relying upon any alleged “admitted” prior art, so that Applicants may be able to appropriately respond to any such new rejection.

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited. The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.